



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/183,717	10/30/98	DESCH	D 080398.P162

LM02/0922  
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EXAMINER

GRANT, C

ART UNIT	PAPER NUMBER
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2711

10

DATE MAILED: 09/22/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*RA*

# Office Action Summary

Application No.  
09/183,717

Applicant(s)  
DESCH

Examiner  
Christopher Grant

Group Art Unit  
2711



☒ Responsive to communication(s) filed on Jun 26, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-40 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-40 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The current invention is a system for enabling a user to surf through channels from two or more different broadcast sources in a seamless manner with simultaneous display of at least two programs.

The specification as originally filed fails to support the step of “**providing an identification of at least one first channel source comprising the first channel**” now recited in claim 1, lines 6-7 and claim 6, lines 6-7.

The specification as originally filed fails to support the step of “**providing an identification of at least one second channel source comprising the second channel**” now recited in claim 1, lines 13-14 and claim 6, lines 13-14.

The limitations described above are considered as new matter and should be canceled from the claims.

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauley and Klosterman.

Considering claims 1 and 6, Pauley discloses an apparatus and corresponding method for selecting the sources of at least two shows capable of being received and displayed by an entertainment system comprising: selecting for viewing, a first show associated with a first channel; displaying the first show; selecting for viewing, a second show associated with a second channel; and displaying the second show.

However, Pauley fails to specifically disclose providing an identification of the first channel source comprising the first channel and providing an identification of the second channel source comprising the second channel as recited in the claims.

Klosterman discloses a multi-source information television system for easily selecting channels from a combined program schedule comprising the steps of:

- a) selecting (step 70) for viewing, a first and/or second show associated with a first and/or second channel;
- b) providing an identification (step 72) for a first and/or second channel source;

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- c) selecting a first and/or second user-specified source (step 78)...; and
- d) displaying (84) the first and/or second show.

It would have been obvious to one of ordinary skill in the art to modify Pauley's system to include an identification of the first channel source comprising the first channel and providing an identification of the second channel source comprising the second channel, as taught by Klosterman, for the advantage of enabling easy selection of television channels from a combined list of multiple input sources.

Claims 2-3 and 10 are met by the combined systems of Pauley and Klosterman, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Klosterman discloses the various input sources in col. 3, lines 1-30.

Claims 4 and 12 are met by the combined systems of Pauley and Klosterman, wherein Klosterman discloses loading programming data associated with the selected first and/or second channels (see EPG data in columns 3-4 and figure 3).

Claims 5 and 13 are met by the combined systems of Pauley and Klosterman, wherein Klosterman discloses executing software by a CPU (36) to produce a screen menu (figure 3).

Claim 11 is met by the combined systems of Pauley and Klosterman, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Klosterman discloses the various input sources in col. 3, lines 1-30.

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Claims 14 and 15 are met by the combined systems of Pauley and Klosterman, wherein Klosterman discloses a VCR (24) for recording a first, second or any number of shows.

As for claims 16-17 and 26-27, Pauley discloses an entertainment system comprising:

- a) a display monitor (12);
- b) a broadcast receiver coupled to the display monitor including:
  - (b1) a first front end unit (26) capable of receiving a first show;
  - (b2) a second front end unit (28) capable of receiving a second show;
  - (b3) a plurality of memory elements (col. 4, lines 7-39);
  - (b4) a central processing unit (50) coupled to the plurality of memory elements, wherein the central processing unit (50) selects one of the plurality of shows into the plurality of memory elements and to display the plurality of shows continuously in a picture in picture format (columns 5-7).

However, Pauley fails to disclose a broadcast receiver receiving programming data from first and second front-end units and loading programming data as recited in the claims.

Klosterman discloses a multi-source information television system for easily selecting channels from a combined program schedule (programming data) to be displayed on a monitor. The programming data is associated with a plurality of shows. A CPU (36) executes software to assist a broadcast receiver (one or more of 26, 28, 30, 20- figure 1B; 20-figure 1B; 47-figure 1C or 48-figure 1D) in loading programming data associated with shows into a memory element (38).

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It would have been obvious to one of ordinary skill in the art to modify Pauley's system to include a broadcast receiver receiving programming data from first and second front-end units (multi-source) and loading programming data, as taught by Klosterman, for the advantage of producing a combined program schedule from diverse sources to easily select channels for display on a monitor.

Claims 18 and 28 are met by the combined systems of Pauley and Klosterman, wherein Klosterman discloses an integrated receiver decoder in figures 1C and 1D.

Claims 19-20 and 29-30 are met by the combined systems of Pauley and Klosterman, wherein Klosterman discloses loading programming data associated with the selected first and/or second channels (see EPG data in columns 3-4 and figure 3).

Considering claims 7-9, 21-23 and 31-33, the combined systems of Pauley and Klosterman disclose an apparatus for receiving programming from plural sources such as from a satellite system, local broadcast or cable companies. However, they fail to specifically disclose first and second coding techniques and that the first and second coding techniques are amplitude modulation, frequency modulation and phase modulation as recited in the claims.

The examiner takes Official Notice that it is notoriously well known to implement amplitude modulation, frequency modulation and phase modulation in the art of broadcast transmission technology.

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Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Pauley and Klosterman to include amplitude modulation, frequency modulation and phase modulation because these are well known transmission technologies used for broadcasting programs to subscribers.

Claims 24-25 and 34-35 are met by the combined systems of Pauley and Klosterman, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Klosterman discloses the various input sources in col. 3, lines 1-30.

Claims 36-39 are met by the combined systems of Pauley and Klosterman, wherein Klosterman discloses a monitor to display the first, second or any number of shows and a VCR (24) to concurrently record the first, second or any number of shows.

Claim 40 is met by the combined systems of Pauley and Klosterman, wherein Klosterman discloses that the broadcast receiver is the combination of one or more of cable TV box, DBS box and coordinator receiver. A cable TV or DBS box inherently contains a decryption engine for decrypting premium programs provided by content providers.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.



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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Byrne et al. and Eyer et al. each disclose combining EPG from different sources at the receiving end.

Cherrick discloses source labeling.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 3900.



**Christopher Grant**  
**Primary Examiner**  
**September 19, 2000**